

## **REMARKS**

### **Status**

This Amendment is responsive to the Office Action dated November 3, 2003, in which Claims 1-17 were rejected. No claims have been canceled; no claims have been amended; and no new claims have been added. Accordingly, Claims 1-17 are pending in the application, and are presented for reconsideration and allowance.

### **Claim Rejection - 35 USC 102(e)**

Claims 1-17 stand rejected under 35 USC 102(e) as being anticipated by US Patent No. 6,026,322 (*Korenman*). This rejection is respectfully traversed.

In order for a prior art reference to anticipate, it must disclose each element of a claimed invention, and *Korenman* does not meet this test.

*Korenman* is directed to an apparatus wherein the displayed images relate to the condition being treated or the cause of such condition, that is, the displayed images are based on the ailment. This is specifically stated at Col 3, lines 12-22 as:

“...apparatus ...is characterized in that the display includes visual or pictorial representations of the physiological or psychological condition being treated or the cause of such condition which change in appearance following a change in the parameter sensed in a way corresponding to the physiological or psychological change desired in the patient.”

For example, for *Korenman*'s example of irritable bowel syndrome, *Korenman*'s monitor 32 displays “an image of the interior of a bowel 56” and the “images shown are based on actual interior bowel structure as viewed by a camera passing through a bowel. Thus, the animation image is based on the physiological condition being treated”. (See Col 10, lines 9-44.)

In contrast, the apparatus of the present invention facilitates management by an individual of a physiological and/or psychological state of said individual using a set of images chosen by the individual. The set of images are based on a personalized image profile based on cognitive decisions relating to connectedness, valence and arousal and on biometric analysis. As such, the images are not based on the ailment. This feature is clearly claimed in

independent claims 1, 3, and 12 as “based on cognitive decisions relating to connectedness, valence and arousal and on biometric analysis”.

In addition, *Korenman*’s images change in appearance following a change desired in the patient, and the “change in the display occurs substantially concurrently with the change in the psycho-physiological parameter being monitored, i.e. in real time” (Col 10, lines 33-35). For example, for *Korenman*’s example of irritable bowel syndrome, as the user becomes more relaxed, the software generates graphics showing the inflammation being relieved.

In contrast, in the present invention, the images are displayed; the displayed images do not change in appearance. Further, the displayed image are selected so as to cause/provide a preferred response in the individual.

Since *Korenman* does not teach or suggest these claimed features of the present invention, the present invention as claimed in Claims 1, 3, and 12 is not anticipated by *Korenman*.

With regard to independent Claim 6, *Korenman* does not teach a device for creating a personalized image response profile for the individual and a selector for selecting a set of images from an image library which include characteristics that match the preferred characteristics of the personalized preferred image response profile. Accordingly, Claim 6 is not anticipated by *Korenman*.

Claims 2, 4-5, 7-11, and 13-17 are dependent on independent Claims 1, 3, 6, or 12, and therefore include all the features thereof. For the reasons set forth above with regard to Claims 1, 3, 6, and 12, Claims 2, 4-5, 7-11, and 13-17 are believed to be patentable over *Korenman*.

### **Summary**

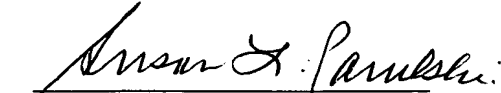
Should the Examiner consider that additional amendments are necessary to place the application in condition for allowance, the favor is requested of a telephone call to the undersigned counsel for the purpose of discussing such amendments.

For the reasons set forth above, it is believed that the application is in condition for allowance. Accordingly, reconsideration and favorable action are respectfully solicited.



The Commissioner is hereby authorized to charge any fees in connection with this communication to Eastman Kodak Company Deposit Account No. 05-0225.

Respectfully submitted,

  
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